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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,023	08/22/2001	Mooi Choo Chuah	55	9197

7590 05/31/2006

Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

EXAMINER

PHUNKULH, BOB A

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,023

Applicant(s)

CHUAH, MOOI CHOO

Examiner

Bob A. Phunkulh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-8,10,11,13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-8,11,13 and 15-19 is/are rejected.
- 7) ☒ Claim(s) 10 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

This communication is in response to applicant's 03/09/2006 amendment(s)/response(s) in the application of **CHUAH** for "**RECONFIGURABLE WIRELESS COMMUNICATION ACCESS SYSTEM AND METHOD**" filed 08/22/2001. The amendments/response to the claims have been entered. No claims have been canceled. No claims have been added. Claims 1, 5-8, 10-11, 13, 15-20 are now pending.

Claim Objections

Claims 1, 5-6, 11, 13, 15-16, 19, are objected to because of the following informalities: please correct the subject matter "characterizing" to —comprising— for the subject matter is not current USPTO acceptable practice. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-8, 11, 13, 15-19 rejected under 35 U.S.C. 103(a) as being unpatentable over by *Pedziwat* (US 5,991,628).

Regarding claims 1 and 11, *Pedziwatr* discloses a plurality of Base Station Controllers (BSC) and a plurality of Base Transceiver Stations (BTS). Each of the BTS are connected to at least two BSC (see claim 1). *Pedziwatr* further discloses that suitable load balancing and shedding logic is implemented, either as part of the BTSs and/or the MSs, but may be implemented as part of the BSCs. Mobile stations 30 attempt access to system 100' in accordance with the applicable standard, and is assigned to one of the carriers, and hence one of the BSCs 114a, 116a, 114b and 116b servicing total area 122, see col. 5 lines 14-20.

Pedziwatz fails to explicitly disclose the steps for receiving usages level at the a node of the first set i.e. at a BTS.

However, it would have been obvious to one having ordinary skill in the art at the time of invention was made to cause to receive the load information of each BSC connected to a BTS and choosing the BSC with the least load level in the system taught by *Pedziwatz* for implementing load balancing in as part of the BTSs (see col. 5 lines 20)

Regarding claims 5 and 13, *Pedziwatr* discloses using step uses the information characterizing usage levels of the nodes of the second set and information characterizing the node of the first set to determine a node of the second set with which to connect (see col. 5 lines 14-20).

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Regarding claims 6 and 15, *Pedziwatr* discloses wherein the sing step uses the information characterizing usage level of the node of the second set and information characterizing a wireless unit for which a connection is being established (see col. 5 lines 14-20).

Regarding claims 7 and 16, *Pedziwatr* discloses connecting a node of said first set with a first node of said second set (each base station is connected to at least two BSCs, see claim 1).

Regarding claims 8 and 17, *Pedziwatr* discloses connecting the node of said first set with a first node of said second set for establishing a connection with a first wireless unit; and connecting said node of said first set with a second node of said second set for establishing a connection with a second wireless unit (each base station is connected to at least two BSCs, see claim 1; and see col. 5 lines 14-20).

Regarding claim 18, *Pedziwatr* discloses the radio access system further adapted to connect a node of said first set with a first node of said second set for establishing a connection with a first wireless unit and to connect said node of said first set with a second node of said second set for establishing a connection with a second wireless unit (each base station is connected to at least two BSCs, see claim 1; and see col. 5 lines 14-20).

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Regarding claim 19, *Pedziwat* inherently discloses the BTS includes a processor for implementing load balancing see col. 5 lines 14-20).

Allowable Subject Matter

Claims 10 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1, 5-8, 11, 13, 15-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any response to this action should be mailed to:

The following address mail to be delivered by the United States Postal Service (USPS) only:

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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

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220 20th Street South
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Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(571) 272-3083**. The examiner can normally be reached on Monday-Tuesday from 8:00 A.M. to 5:00 P.M. (first week of the bi-week) and Monday-Friday (for second week of the bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Wellington Chin**, can be reach on **(571) 272-3134**. The fax phone number for this group is **(571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Bob A. Phunkulh
Primary Examiner
TC 2600

**BOB PHUNKULH
PRIMARY EXAMINER**

*Technology Division 2616
May 26, 2006*